

UNCLAS SECTION 01 OF 03 MASERU 000213

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SUBJECT: LCN STAKEHOLDER REVIEW CONFERENCE - 13 TO 15 APRIL 2005

¶1. SUMMARY. This is one of a series of messages on Lesotho's upcoming elections. The Lesotho Council of Non-governmental Organizations (LCN) organized an April 13-15 stakeholder review conference on the forthcoming local government elections. This was yet another initiative by LCN to enhance stakeholders' participation in preparation for polling day on April 30. The official opening of the conference was attended by the Minister of Local Government, Members of the Diplomatic Corps (including the DCM) representatives of international organizations and other members of the donor community, representatives of the Christian Council of Lesotho (CCL), leaders of political parties, academics from the National University of Lesotho (NUL) and the Chairman of the Independent Electoral Commission (IEC). Presentations by opposition parties and academics from the NUL challenged the legality of the one-third quota system and the government's commitment to devolution. They also said that absence of regulations would lead to entrenching the ruling party's power base through illegal use of government resources. The Chairman (IEC) also made a presentation of the preparations for the April 30 local government elections. END SUMMARY.

¶2. The Executive Director of LCN, Mr. Seabata Motsamai noted with concern that the stakeholders conference comes at a time when the country is faced with great challenges ranging from extreme poverty, unemployment, economic uncertainties, and high HIV/AIDS prevalence. Motsamai pointed out that as early as 1991, the LCN has persistently fostered a culture of dialogue to bring different societal groupings closer in order to share and map a way forward in areas of socio-economic and political development. He indicated that it is this history that the LCN wishes to maintain. Motsamai outlined the objectives of the conference as (i) to foster the culture of dialogue on national issues (ii) to build consensus and identify areas of contention of the electoral process on the imminent local government elections and (iii) to highlight post-elections issues in an endeavor to further dialogue. He concluded by emphasizing that local government should be seen as a means of enabling communities to shape their own destiny.

¶3. Speaking for the international community, the UN Resident Coordinator and UNDP Resident Representative, Mrs. Hodan Haji-Mohamud commended the LCN for convening the conference on the eve of elections. She also expressed her delight for the presence of the international community at the forum. Haji-Mohamud reiterated the UN's support for the governance reforms that the Government of Lesotho has formulated through its decentralization policy. She stated that the international community was confident that the local government elections will go a long way towards creating a conducive climate for better governance, greater citizen participation, increased public accountability and enhanced delivery of public services. She stressed that the efforts of the international community and those of Lesotho's other development partners will bear fruit only if Basotho themselves come together to ensure the forthcoming elections are successful.

¶4. LCN President, Ms. Mots'eo Senyane also delivered her remarks and declared the conference officially open. She stated that her organization's mission is to complement the Government of Lesotho in its mandate to improve the lives of Basotho. Ms. Senyane pointed out that since 2003 the LCN through its Democracy and Human Rights Commission, has held at least three fora on local government program for a number of different sectors of society. She also indicated that election observation by NGOs is going to be difficult due to limited funds available to the LCN. The LCN President was quick to stress that support from the development partners, especially the resident ones, has been quite weak and this has in turn limited the activities of the NGOs in as far as the local government program is concerned. She concluded by expressing her desire that through the presentations and deliberations in the conference, the NGO community will learn of issues that will inform the development program that is aimed at consolidating democracy in Lesotho.

¶5. Dr. Nqosa Mahao, a constitutional expert from the NUL Faculty of Law, made a presentation on the constitutionality of reserving one-third (1/3) of the electoral divisions for women, as stipulated in the applicable election law. He stated that the provision creating the quota system contravenes the Constitution because of its discriminatory element against men. He added that the Constitution grants the right to participate in politics on an equal footing regardless of gender, race or creed. Dr. Mahao also observed that the political climate in Lesotho is still uncertain because there is still a problem with

legitimacy of institutions and lack of political maturity. He indicated that unlike in the first world countries, there is no consensus on political principles in Lesotho. He also said there are no attempts to reach agreement on priorities for development. Dr. Mahao stressed that the country faces the difficult challenge of how to institutionalize and nurture democratic governance, both at national and local levels. Professor Francis Makoa, Head of Political and Administrative Studies at NUL also made a presentation and provided an analytical view of the local government electoral process. He

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indicated that there is deep mutual mistrust and antagonism between the ruling party and opposition parties and this does not provide for a good political setting prior to the elections.

Makoa stated that at present, the Local Government Act of 1997 does not have any regulations in place including the role of chiefs and the relationship between local councils and central government are not clear. Professor Makoa expressed fear that there is no real commitment to devolution by the government. He emphasized that local and district councils should be true representatives of the people in the local communities and not agents of the central government..

16. Opposition parties reiterated their stance regarding the legitimacy of these elections. They argued that the 1/3 quota system is unconstitutional, the electoral model of first past the post was not suitable for Lesotho because it is not inclusive and the manner in which the electoral divisions were drawn by the IEC was not in compliance with the law. The opposition parties pointed out that the IEC did not take the following matters into consideration as stipulated in the Local Government Elections (Amendment) Act of 2004: the number of voters, physical features of electoral divisions and any peculiarity in the distribution of the population; and the social and cultural ties of communities. The opposition parties also contend that lack of clarity for the role of chiefs is a potential source of conflict. They concluded by requesting the IEC to postpone the elections by at least three months. The IEC Chairman, Mr. Leshele Thoahlane conceded that there were discrepancies in the preliminary voters lists that were issued to political parties but promised to rectify them. He also admitted that the IEC failed to update the voters lists to the disadvantage of 18 year olds in several remote areas of the country. However, Thoahlane argued that this does not warrant postponement of the elections as demanded by the opposition parties.

17. The Minister of Local Government, Dr. Ponts'o Sekatle stated that the timing of the conference is a source of concern due to the fact that local government elections are just weeks away. She pointed out that instead of finalizing the process of elections, opposition parties and NGOs are challenging the legality of the electoral divisions reserved for women candidates and the manner in which the community councils have been divided into electoral divisions by the IEC. Dr. Sekatle urged the leaders of political parties and NGOs to adopt a "can do" attitude and not a "can't do" attitude. She said despite the hiccups that have been encountered, preparations at an advanced stage for the forthcoming elections. She appealed to political parties, the IEC and NGOs to encourage the electorate and go to the polls on April 30.

18. COMMENT: The conference generated heated debate on a variety of contentious issues around the forthcoming local government elections, and no consensus was reached. The opposition parties and NGOs, however, agreed to continue dialogue with the ruling party in the post election period. They also agreed to intensify civic education and review electoral models. Without detracting from comments by the LCN President, it should be noted that post has arranged USG funding for various training programs through the USAID RCSA in Gaborone for stakeholders in the local government elections. End Comment.

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